

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF HAWAII

1	UNITED STATES OF AMERICA,)	CRIMINAL NO. 02-00341HG
2)	
3	Plaintiff,)	Honolulu, Hawaii
4)	May 7, 2004
5	vs.)	3:39 p.m.
6	(03) ROBERT R. MALDONADO, JR.,)	MOTION TO WITHDRAW NOT
7	Defendant.)	GUILTY PLEA AND TO PLEAD
8)	ANew AS TO DEFENDANT (03)
)	ROBERT R. MALDONADO, JR.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE HELEN GILLMOR,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

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Assistant U.S. Attorney
District of Hawaii
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For the Defendant:

RUSTAM BARBEE, Esq.
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Official Court Reporter:

Cynthia Tando Fazio, RMR, CRR
United States District Court
P.O. Box 50131
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

EXHIBIT 6

1 FRIDAY, MAY 7, 2004

3:39 P.M.

2 THE CLERK: Criminal Number 02-00341HG, United States
3 of America versus Defendant 03, Robert R. Maldonado, Jr.

4 This hearing has been called for Motion to Withdraw
5 Not Guilty Plea and to Plead Anew.

6 Counsel, your appearances for the record.

7 MR. MUEHLECK: Tom Muehleck for the United States.

8 Good afternoon again, Your Honor.

9 THE COURT: Good afternoon.

10 MR. BARBEE: Good afternoon, Your Honor. Rustam
11 Barbee appearing with Mr. Maldonado. He's present in the
12 courtroom.

13 THE COURT: Good afternoon, Mr. Barbee.

14 Mr. Maldonado, I am informed that you wish to enter a
15 plea of guilty at this time; is that correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Before I accept your guilty plea there
18 are a number of questions that I want to ask you to make
19 certain that this is a valid and voluntary plea. If you don't
20 understand my questions or if at any time you wish to consult
21 with Mr. Barbee, let me know. It's important that you
22 understand each question before you answer.

23 Ms. Sai, would you swear the defendant, please?

24 (The defendant was sworn to answer truthfully.)

25 THE COURT: Now, Mr. Maldonado, do you understand you

1 are now under oath and if you answer any of my questions
2 falsely, your answers may later be used against you in another
3 prosecution for perjury or for making a false statement?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: What's your full legal name?

6 THE DEFENDANT: Robert Maldonado, Jr.

7 THE COURT: How old are you?

8 THE DEFENDANT: 47.

9 THE COURT: And how far did you go in school?

10 THE DEFENDANT: 12th grade. I graduated, ma'am.

11 THE COURT: And where did you graduate from high
12 school?

13 THE DEFENDANT: Kailua.

14 THE COURT: And what's the last job that you had?

15 THE DEFENDANT: I was working as a -- part-time at
16 Fresh Start, drug program in Waipahu.

17 THE COURT: What were you doing there?

18 THE DEFENDANT: I graduated from that program itself
19 and they took me on as part-time staff briefly.

20 THE COURT: When was that?

21 THE DEFENDANT: In 2000 -- 2000.

22 THE COURT: Have you ever been treated for any mental
23 illness?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Have you been treated for addiction to

1 alcohol?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: But you have been treated for narcotic
4 drugs. You want to tell me about that?

5 THE DEFENDANT: Well, I was dependent on -- on drugs
6 and I got incarcerated. When I got incarcerated, to handle my
7 addiction, I took certain classes to address that issues. And
8 then when I got out that was a stipulation of my parole.

9 THE COURT: And when was it that you went through
10 that treatment? We're talking about the Fresh Start program,
11 correct?

12 THE DEFENDANT: Yeah, that was in the year 2000,
13 ma'am.

14 THE COURT: Have you taken any drugs or medicines or
15 pills or drunk any alcoholic beverage in the past 24 hours?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Can you tell me briefly what's happening
18 here today?

19 THE DEFENDANT: I am -- I came here to change my plea
20 to do with my -- my case.

21 THE COURT: So is it your intention to change from a
22 not guilty plea to a guilty plea?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Court finds the defendant is competent to
25 understand the proceedings and to enter a knowing plea.

1 Have you had enough time to talk about your case with
2 Mr. Barbee?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Are you satisfied with his representation
5 of you?

6 THE DEFENDANT: Very much so.

7 THE COURT: Do you understand that under the
8 Constitution and laws of the United States, you're entitled to
9 a trial by a jury on the charges contained in the first
10 superseding indictment?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that under the
13 Constitution and laws of the United States, you're entitled to
14 a trial by a jury on the charges contained in the first
15 superseding indictment? Or did I just say that?

16 THE DEFENDANT: I think you did.

17 THE COURT: I think I did. It's very late in the
18 day.

19 MR. MUEHLECK: It's been a long day, Your Honor.

20 THE COURT: Very long day.

21 THE CLERK: Long week.

22 THE COURT: Long week, yes.

23 Okay. We better move on.

24 Do you understand that at a trial you would be
25 presumed to be innocent and the government has the burden of

1 proving you guilty?

2 THE DEFENDANT: Yes. Yes, ma'am.

3 THE COURT: And do you understand that the only way
4 that you can be found guilty is if the government through the
5 use of competent evidence proves you guilty beyond a
6 reasonable doubt?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Do you understand that the government
9 must prove beyond a reasonable doubt the quantity of drugs
10 involved and that that affects the maximum sentence you may
11 receive?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Are you willing to waive having the
14 government -- are you willing to waive having that question
15 presented to a jury as to the type of drug and the quantity of
16 drug?

17 (Counsel and client conferring.)

18 THE DEFENDANT: Yes. Yes, ma'am.

19 THE COURT: Do you understand that you don't have to
20 prove that you are not guilty, but the government has to prove
21 you guilty?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you understand that you have the right
24 to be assisted by an attorney for your defense?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you understand that you have the right
2 to see and hear all of the witnesses and have them questioned
3 by your attorney?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand you can object to
6 evidence offered by the government and that you can offer
7 evidence on your own behalf?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand that you have the right
10 to testify if you chose to at your trial?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you also understand that you have the
13 right not to testify and no inference or suggestion of guilt
14 can be drawn from the fact that you did not testify?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. Ms. Sai, do you think you could
17 turn my mike up because I can't get any more volume out of the
18 voice box and I think I'm losing my voice.

19 MR. MUEHLECK: Fading, Your Honor.

20 THE COURT: Yes, definitely.

21 Now, do you understand that by entering a plea of
22 guilty and if I accept your plea, there will be no trial?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And do you understand that means you have
25 waived or given up your right to a trial as well as the other

1 rights associated with a trial that I've just described if you
2 plead guilty?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you understand the offense to which
5 you are pleading guilty is a felony offense and if your plea
6 is accepted and you are adjudged guilty of that offense, that
7 adjudication may deprive you of valuable civil rights, such as
8 the right to vote, the right to hold public office, the right
9 to serve on a jury and the right to any -- to possess any kind
10 of firearm?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Are you currently charged with or serving
13 a sentence for a violation of state law?

14 MR. BARBEE: Your Honor, without getting into a lot
15 of detail, he is -- he does have a pending parole issue with
16 the State of Hawaii. It's not sure whether or not they are
17 going to impose -- reimpose the parole after the disposition
18 of this case or if they're going to actually want him back in
19 the state system to -- for further incarceration.

20 THE COURT: Okay. Well, that is important and I see
21 that in your pretrial report, that there is an outstanding
22 issue. And it's important because any sentence you receive
23 for the federal charge, it is possible it will not be served
24 at the same time as the sentence you may receive for the state
25 charge. Do you understand that?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: By that I mean one sentence may run
3 consecutively or after the other sentence. You understand
4 that?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: If you plead guilty, do you understand
7 you will have waived your right not to incriminate yourself
8 because I'm going to ask you questions about what you did in
9 order to satisfy myself that you are guilty as charged and
10 today you will have to talk about what you did?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: The court finds the defendant understands
13 he has a right to a trial by jury, the rules of substance and
14 procedure applicable to such a trial, and his plea will be a
15 waiver of his right to trial and he is willing to waive his
16 right to trial.

17 Now we're going to talk about the Sentencing
18 Commission Guidelines. United States law establishes detailed
19 sentencing guidelines which specify sentences for people
20 convicted of federal crimes. In most cases I must impose a
21 sentence within the guideline range. Before I accept your
22 plea of guilty it's important that you understand certain
23 consequences of these guidelines. Have you and Mr. Barbee
24 talked about how the Sentencing Commission Guidelines might
25 apply to your case?

1 THE DEFENDANT: We have, ma'am.

2 THE COURT: Do you understand that I'm not going to
3 be able to determine what guidelines will apply to your case
4 today?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: You understand that we have to wait until
7 after a presentence report has been completed and you and the
8 government have an opportunity to review it and object to
9 anything in it you don't agree with?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Do you also understand that after it has
12 been determined what guidelines applies to a case, the judge
13 has the authority in some circumstances to impose a sentence
14 outside the guidelines, it might be more severe or less
15 severe; do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you understand that under some
18 circumstances you or the government may have the right to
19 appeal a sentence I impose?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you also understand that parole has
22 been abolished in the federal system and if you are sent to
23 prison you will not be released early on parole?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you understand if the sentence is

1 worse or more severe than you expected, you will still be
2 bound by your plea and you won't have a right to withdraw it?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: The court finds the defendant understands
5 the requirements of the sentencing guidelines and the plea of
6 guilty is made in accordance with his understanding.

7 Do you still wish to plead guilty?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Have you received a copy of the first
10 superseding indictment naming you?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And have you read it?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And reviewed it with Mr. Barbee?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Now, the indictment entitled "first
17 superseding indictment" was filed on March 19th, 2003, and
18 Count 1 charges that from a date unknown but from at least
19 February 1, 2001 to on or about July 31st, 2002, in the
20 District of Hawaii and elsewhere, the defendants Michael
21 Minton, Robin Wester Minton, Robert R. Maldonado, Jr. and Ryan
22 Kawika Sono --

23 MR. MUEHLECK: Sonognini, Your Honor.

24 THE COURT: Sonognini did conspire together with each
25 other and with other persons known and unknown to the grand

1 jury to knowingly and intentionally distribute and possess
2 with intent to distribute a quantity of methamphetamine, its
3 salts, isomers, and salts of its isomers in excess of 50
4 grams, and to distribute and possess with intent to distribute
5 a quantity of cocaine in excess of 500 grams, both Schedule II
6 controlled substances, in violation of Title 21, United States
7 Code, Section 841(a)(1).

8 And the overt acts in furtherance of the conspiracy
9 to effect the objectives of the conspiracy, the defendants
10 performed overt acts in the District of Hawaii and elsewhere,
11 including but not limited to:

12 One, during February 2001 the defendants Michael
13 Minton and Robin Webster Minton rented Public Storage lockers
14 in Waipahu, Hawaii.

15 Two, during March 2001, the defendant Robin Webster
16 Minton drew a check on the Hawaii USA Federal Credit Union in
17 the amount of \$610.

18 Three, during 2002 the defendant Robert R. Maldonado,
19 Jr. and Ryan Sonognini distributed quantities of cocaine on
20 the island of Oahu.

21 Four, on or about May 4th, 2002, defendant Ryan
22 Kawika Sonognini rented a Public Storage lock location in
23 Waipahu -- a Public Storage location in Waipahu, Hawaii.

24 Five, on or about June 19th, 2002, in the Honolulu
25 International Airport defendant Michael Minton attempted to

1 board a Hawaiian Airlines flight to California with \$232,807
2 in U.S. currency.

3 On or about July 22nd, 2002, the defendant Michael
4 Minton, Robin Webster Minton and Ryan Sonognini stored a
5 quantity of cocaine in excess of 500 grams in a Public Storage
6 locker in Waipahu, Hawaii.

7 Seven, on or about July 25th, 2002, the defendant
8 Robin Webster Minton and Robert R. Maldonado, Jr. stored a
9 quantity of methamphetamine in excess of 50 grams and a
10 quantity of cocaine in excess of 500 grams in a room at the
11 Hawaii Prince Hotel in Honolulu, Hawaii, all in violation of
12 Title 21, United States Code, Section 846.

13 You understand that charge?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: You understand that for Count 1, the
16 maximum possible sentence you can receive is up to life, a
17 fine of up to \$4 million, a term of supervised release of not
18 less than five years and up to life?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And there is a \$100 special assessment?

21 (Counsel and client conferring.)

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And that there is a minimum term of
24 imprisonment of ten years as to Count 1?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: You understand that if you are sentenced
2 to prison and released on terms of supervised release, you can
3 be given additional time in prison if a judge finds you have
4 violated the conditions of supervised release?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: The court finds the defendant understands
7 the nature of the charge to which the plea is being entered,
8 the mandatory minimum penalty of ten years and the maximum
9 possible penalties provided by law.

10 Now, Mr. Maldonado, has anybody threatened you or
11 anyone else or forced you in any way to plead guilty?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Have you entered into a plea agreement
14 between you and your attorney and the government?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. At this time I'm going to ask Mr.
17 Muehleck to state the essential terms of the plea agreement.

18 MR. MUEHLECK: The plea agreement between the
19 defendant and United States requires Mr. Maldonado to plead
20 guilty to Count 1 of the first superseding indictment, Your
21 Honor. He's also required to cooperate. This is a
22 cooperation plea agreement. He's required to be debriefed or
23 to submit to debriefings by federal agents, to be truthful,
24 candid, and complete in his responses, and of course waive his
25 Fifth Amendment rights to remain silent during those

1 debriefings.

2 He also agrees to testify for the United States if
3 called as a witness before the grand jury and at a trial
4 against co-defendants or whoever, and to be truthful and
5 cooperative and complete and waive his Fifth Amendment rights
6 then also.

7 He's also required to waive his rights under Title
8 18, United States Code, Section 3742, that is his appellate
9 rights, his right to challenge the sentence, he gives up that
10 right. He also gives up his right to collaterally attack the
11 sentence under Title 28, United States Code, Section 2255 and
12 basically gives up his right to challenge his sentence in any
13 way it's computed.

14 He does retain the right to challenge his sentence
15 for, one, ineffective assistance of counsel, or two, if the
16 court departs above the guideline range at sentencing, as
17 departure is defined by United States Sentencing Commission
18 guidelines manual, he retains the right to appeal the sentence
19 then or challenge the sentence.

20 In all other respects the defendant gives up his
21 right to challenge his sentence. Defendant understands that
22 United States retains its right to challenge the sentence or
23 appeal the sentence.

24 The defendant understands that the United States will
25 evaluate his cooperation at the end of the period of

1 cooperation, and may, but is not required to, file a motion
2 under 3553(e) of Title 18, that is a motion to depart from the
3 mandatory minimum sentence based upon substantial assistance
4 with law enforcement authorities.

5 The defendant understands he has no right to expect
6 such a motion, that there has been no promise that such a
7 motion will be made. He further understands he has no
8 contractual right to such a motion. He understands it's fully
9 within the discretion, the total discretion of the United
10 States Attorney's Office whether to make such a motion to
11 depart for substantial assistance.

12 He further understands that even if the United States
13 Attorney's Office makes such a motion, Your Honor, it's within
14 the total discretion of the court whether to honor it or grant
15 it in some part or not at all.

16 The defendant also understands that he gives up his
17 right, as the court has already told him, to have a jury
18 determination as to the type of drugs and the amount of drugs
19 charged in the first superseding indictment.

20 I think those are the basic provisions, Your Honor.

21 THE COURT: Thank you, Mr. Muehleck.

22 Now, Mr. Barbee, you have heard what Mr. Muehleck
23 says. Is there anything that you would like to add or modify
24 with respect to the essential terms of the plea agreement?

25 MR. BARBEE: I'm not sure if I heard Mr. Muehleck say

1 that in exchange for the plea to Count 1, the government would
2 be dismissing --

3 MR. MUEHLECK: Yes.

4 MR. BARBEE: -- all additional counts as to
5 Mr. Maldonado's sentencing.

6 MR. MUEHLECK: Yes, as part of -- as part of the plea
7 agreement, in exchange for his cooperation and plea and
8 waivers, we agree to dismiss the remaining counts in the
9 indictment at sentencing. And that's a written provision of
10 the plea agreement. I forgot. Thank you, Judge. Thank you,
11 Mr. Barbee.

12 THE COURT: Okay. And is that, with that addition, a
13 complete recitation, an accurate recitation of the essential
14 terms of the plea agreement?

15 MR. BARBEE: Yes, Your Honor.

16 THE COURT: Now, have you discussed the plea
17 agreement with Mr. Maldonado?

18 MR. BARBEE: I have, Your Honor.

19 THE COURT: Do you believe he understands it?

20 MR. BARBEE: He does. We've had several
21 conversations in length about the plea agreement. He's asked
22 intelligent questions about the plea agreement and I believe
23 he fully understands the plea agreement.

24 THE COURT: And are you in agreement with its terms?

25 MR. BARBEE: Yes, Your Honor, I am.

1 THE COURT: Thank you.

2 Now, Mr. Maldonado, have you read the plea agreement?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you discussed it with Mr. Barbee?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Has he answered all your questions?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Are you in agreement with its terms?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And you agree that what Mr. Muehleck has
11 said and with the additional what Mr. Barbee said is the
12 correct statement of what's in the plea agreement?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Okay. Thank you.

15 Mr. Barbee, if you would identify your signature and
16 assist your client in identifying his?

17 MR. BARBEE: Yes, Your Honor. I'm looking at Page 12
18 of what's titled the Original Memorandum of Plea Agreement in
19 Mr. Maldonado's case and I recognize my signature, which I put
20 there just this afternoon. I also recognize Mr. Maldonado's
21 signature on Page 12.

22 THE DEFENDANT: Yes, that's my signature, ma'am.

23 THE COURT: Okay. Thank you.

24 Mr. Muehleck?

25 MR. MUEHLECK: Yeah, I recognize Florence Nakakuni's

1 signature, she's the Assistant U.S. Attorney, chief of the
2 narcotics section of the U.S. Attorney's Office, and my
3 signature, Judge.

4 THE COURT: Thank you.

5 At this time, Mr. Barbee, if you'd provide it to Ms.
6 Sai, we'll make it part of the record.

7 Now, Mr. Maldonado, has anybody attempted in any way
8 to force you to plead guilty?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: Are you pleading guilty of your own free
11 will because you are guilty?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Do you understand that any agreement by
14 your attorney and the attorney for the government to recommend
15 a particular sentence to the court doesn't bind the court?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: You understand on the basis of your
18 guilty plea you can receive up to the maximum term permitted?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you understand that I'm not required
21 to accept the plea agreement and I may reject it?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Has anybody made any prediction, prophecy
24 or promise to you as to what your sentence will be?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: I'm sure that you've discussed sentencing
2 with Mr. Barbee, and he's an experienced attorney, but I do
3 want to point out to you that it is up to the judge what
4 sentence you will receive.

5 THE DEFENDANT: Yes, ma'am, that's been made quite
6 clear to me.

7 THE COURT: I want to be sure that you in fact
8 committed the crimes of which you have been accused and to
9 which you are prepared to plead guilty. So I'm going to ask
10 Mr. Muehleck to state the elements of Count 1 and the evidence
11 the government would be prepared to put forward with respect
12 to Count 1 at trial.

13 MR. MUEHLECK: As to Count 1, the elements, Your
14 Honor, the elements would be that the defendant voluntarily
15 entered into an agreement with at least one of those persons
16 charged in Count 1 to violate the law, that is he agreed to
17 possess with intent to distribute or to distribute more than
18 500 grams of cocaine and more than 50 grams of
19 methamphetamine, its salts, isomers, and salts of its isomers.

20 And secondly, that his intent was to -- or his intent
21 or desire was that the actual possession with intent to
22 distribute or distribution of more than 500 grams of cocaine,
23 more than 50 grams of methamphetamine, its salts, isomers, or
24 salts of its isomers actually take place, that is be
25 accomplished. Those would be the elements.

1 As to the factual basis, Your Honor, we would show
2 that in June of 2002, an associate of Mr. Maldonado, that is
3 Robert Minton, was stopped at the airport, I believe on
4 July -- June 19th of 2002. He was found to be carrying
5 \$232,807 in U.S. currency in two briefcases. He was outbound
6 on a Hawaiian flight to -- or was about to board a Hawaiian
7 Airlines flight to Los Angeles. A search warrant was obtained
8 for the suitcases. A narcotics detection dog from HPD -- the
9 suitcases were opened and the currency was found. A narcotics
10 detection dog from HPD sniffed the money, alerted to
11 contaminants on the money, which the handler tells us is --
12 would have been cocaine or heroin or marijuana or a controlled
13 substance.

14 The -- that Mr. Minton was very nervous and left the
15 scene, leaving the bags in the custody of a DEA task force
16 agent prior to the search warrant. That the DEA did a work-up
17 of the case on Mr. Minton, criminal history and intelligence
18 information. Obtained a warrant for Mr. Minton's Hauula
19 residence up in -- the hills up in what they call Grass
20 Valley. And on July 22nd, 2002, that task force agent and
21 other officers executed that warrant and found a quantity
22 of -- found evidence that Mr. Minton and Robin Minton and Ryan
23 Sonognini had storage lockers at a Waipahu Public Storage area
24 and those lockers were searched. And approximately 3,988
25 grams of cocaine was found.

1 And the United States would show that during 2001 and
2 part of 2002 the defendant resided on Oahu and was an
3 associate of Mr. Michael Minton and Robin Webster Minton. The
4 defendant was aware that Michael Minton obtained quantities of
5 methamphetamine in excess of 50 grams which Michael Minton and
6 Robin Minton had and which Michael Minton distributed on Oahu.

7 Defendant was also aware that Michael Minton would
8 obtain pound quantities of cocaine from California which
9 Michael Minton and Robin Minton sold in small quantities. On
10 July 22nd, as I said, of 2002, searched the storage locker in
11 Waipahu utilized by Michael Minton and seized the compound
12 that was analyzed by the DEA laboratory in National City,
13 California and found it to be 3,988 grams net weight of a
14 substance that was 88 percent pure cocaine hydrochloride, a
15 Schedule II controlled substance.

16 On July 25th, 2002, HPD officers were called to the
17 Hawaii Prince Hotel and they determined that the defendant and
18 Robin W. Minton possessed a quantity of cocaine in excess of
19 50 grams and a quantity of methamphetamine in excess of 50
20 grams in a hotel room at the Hawaii Prince Hotel which the
21 defendant and Robin Minton intended to distribute.

22 Be cooperating individuals in this case, there would
23 be testimony of agents from the DEA, laboratory analysis and
24 witnesses from the laboratory, and testimony from HPD officers
25 as to what was found.

1 Generally that would be the case if we went to trial,
2 Your Honor.

3 THE COURT: Thank you.

4 Now, please tell me in your own words, Mr. Maldonado,
5 what you did that makes you guilty of the charge in Count 1.

6 THE DEFENDANT: I for myself was -- got introduced to
7 Michael and Robin Minton through a friend. And by getting to
8 know them, I started to sell dope for them, which is -- I was
9 aware, started dropping off packages to certain people for
10 them. And then I was called up by Robin Minton to meet her at
11 the Prince Hotel and to bring a bag that I had at my -- at my
12 place where I was staying from her husband Mike. That being
13 that they got raided a few days before that in Punaluu, I
14 still had this bag. So I went there to give it to her because
15 she told me that Mike wanted her to have the bag, you know,
16 which contained the cocaine and methamphetamine and which I
17 offered to actually distribute it for them, being if I could
18 help them out for funds to get a lawyer or whatever, being
19 that they got raided and stuff, you know.

20 But, you know, I was delivering packages for them
21 previously on a few occasions. So, you know, I did my -- my
22 own part in -- in this small ring of people.

23 THE COURT: Now, so you were working with Michael
24 Minton and Robin Webster Minton?

25 THE DEFENDANT: Yes.

1 THE COURT: To accomplish the distribution of the
2 drugs?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: That was your agreement?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And the period of time, what period of
7 time was it?

8 THE DEFENDANT: I would have to say, I actually met
9 them in about the very beginning part of 2002, say about
10 January until up to the present, what -- what took place of
11 July.

12 THE COURT: So between January 2002 and July 2002,
13 during that period?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. And where did you do these things?
16 Where did you get the drugs and deliver them, what location?

17 THE DEFENDANT: A friend of mine took me down to --
18 to Michael's house in Punaluu and I met him and he decided to
19 put some quantities in my hands if I could drop it off at
20 certain places, which they had a black book of, like, in a
21 roundabout way, certain names, which I didn't know the people
22 at that time. But I went and delivered it to get that pocket
23 cash for my own benefits and that escalated to a little bit
24 more of me carrying a little bit more and more quantity-wise
25 to drop off to here or there and -- or book flights for him to

1 the Mainland or -- and so forth. And that kind -- that's how
2 I knew him for the about four or five months, ma'am.

3 THE COURT: Okay. And that was all on Oahu in
4 Hawaii?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And the charge says more than 500 grams
7 of cocaine.

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Is that right?

10 THE DEFENDANT: Yes. What I took to the hotel room,
11 it was about almost a kilo, I believe, somewhere around there.
12 So yeah, I would have to say that's much more than 500 grams,
13 ma'am.

14 THE COURT: Okay. And what about the
15 methamphetamine?

16 THE DEFENDANT: Well, it was kind of close to a pound
17 maybe, but I can't really recall that much, but it was pretty
18 substantial.

19 MR. BARBEE: More than 50 grams?

20 THE DEFENDANT: More than 50 grams, ma'am.

21 THE COURT: Okay. So your belief is that the purity
22 and the amount of the methamphetamine was in excess of 50
23 grams?

24 THE DEFENDANT: I really can't contest that, but I
25 agree with the DEA lab report, ma'am.

1 THE COURT: Okay. There was a report on that 50
2 grams?

3 MR. MUEHLECK: Yes, more than 50 grams of pure. It
4 wasn't -- the whole amount certainly was not pure, but the
5 laboratory analysis showed that the total drug if reduced to
6 pure drugs was more than 50 grams, yes, Your Honor.

7 THE COURT: Okay. And you agree with that,
8 Mr. Maldonado?

9 THE DEFENDANT: Yes. Yes, ma'am.

10 THE COURT: Okay. And you're willing to waive having
11 those amounts determined by a jury?

12 THE DEFENDANT: Yes. Yes, ma'am.

13 THE COURT: Okay. Are you satisfied, Mr. Muehleck?

14 MR. MUEHLECK: Yes, Your Honor. Thank you.

15 THE COURT: Okay. The court finds that based upon
16 the statements made by the defendant under oath to this court,
17 there is a factual basis upon which the defendant may enter
18 his plea.

19 How do you plead to Count 1, guilty or not guilty?

20 THE DEFENDANT: Guilty, ma'am.

21 THE COURT: Since you acknowledge that you are in
22 fact guilty as charged and since you know of your right to a
23 trial and what the maximum possible punishment is and since
24 you are voluntarily pleading guilty, the court at this time
25 files the plea agreement but reserves a determination of

1 whether to accept the plea agreement until after an
2 investigation and a presentence report had been prepared.

3 It's the finding of the court in the case of United
4 States versus Maldonado that the defendant is fully competent
5 and capable of entering an informed plea and that his plea of
6 guilty is a knowing and voluntary plea supported by an
7 independent basis in fact containing each of the essential
8 elements of the offense and his plea is now accepted and he's
9 now adjudged guilty of the offense.

10 Mr. Maldonado, you're referred to the probation
11 office for a presentence investigation report. I ask you to
12 cooperate with them, it will help at sentencing. And
13 Mr. Barbee may be with you when you speak with them.

14 Mr. Barbee, if you haven't already done so, following
15 this would you make an appointment?

16 MR. BARBEE: Yes, Your Honor.

17 THE COURT: Thank you. And may we have a sentencing
18 date, please?

19 THE CLERK: September 20th, 2004, at 2:15 p.m.

20 MR. MUEHLECK: 20 September, 2:15 p.m.

21 MR. BARBEE: Your Honor, with regard to the
22 sentencing date, Mr. Maldonado has been in custody almost, I
23 think, 18 or so months here. He very early on telegraphed his
24 intention to enter into a plea agreement and cooperated
25 against co-defendants. He's addressed this request before

1 with magistrate -- with the magistrate judges --

2 THE COURT: That's not to happen here on the same
3 day.

4 MR. BARBEE: Well, Your Honor, he really would like
5 to get out of the Federal Detention Center as soon as possible
6 because he's been held in that pretrial condition. He'd like
7 an earlier sentencing date if at all possible, at the earliest
8 possible because he's really not comfortable at the Federal
9 Detention Center.

10 THE COURT: Okay. Tell me, Ms. Sai, is that the --
11 is that the 14 weeks?

12 THE CLERK: No, it's not, Your Honor. The 14 weeks
13 would bring us up to like August 16th. May I just check your
14 calendar to see?

15 THE COURT: Yeah, look like the week before that.

16 THE CLERK: Okay. Thank you, Your Honor.

17 THE COURT: What about the 15th, do I have any
18 vacancies on Thursday the 15th?

19 THE CLERK: The 16th is a Monday, Your Honor, and
20 that would be the 14th week.

21 THE COURT: Oh, I'm sorry, I'm looking at the wrong
22 calendar. Okay. I'm -- is Admission's Day the 19th? Do we
23 take it on the 19th even if it's -- we just take Admission's
24 Day on the actual day rather than on Friday?

25 Okay. Hang on.

1 (Pause in the proceedings.)

2 (Court and clerk conferring.)

3 THE COURT: Why don't we schedule it for 1:30 on the
4 20th, if that's okay with everybody. That's a Friday. 20th
5 of August, 1:30. Is that okay, Mr. Barbee?

6 MR. BARBEE: Yes, Your Honor. Mr. Maldonado really
7 appreciates it. He's been at the FDC for many, many months.

8 THE COURT: Okay. I just hope the probation officer
9 doesn't have a problem with it. One reason to get an early
10 appointment to get going on that.

11 MR. BARBEE: Yes, Your Honor.

12 THE COURT: And hearing no motions to the contrary,
13 the current orders with respect to custody remain in effect.

14 Anything else that we need to do?

15 MR. MUEHLECK: Not from the United States. Thank
16 you, Your Honor.

17 MR. BARBEE: No, Your Honor.

18 THE COURT: Okay. Thank you. We stand in recess.

19 THE DEFENDANT: Thank you, ma'am.

20 (The proceedings concluded at 4:15 p.m., May 7,
21 2004.)

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COURT REPORTER'S CERTIFICATE

I, CYNTHIA TANDO FAZIO, Official Court Reporter,
United States District Court, District of Hawaii, Honolulu,
Hawaii, do hereby certify that the foregoing pages numbered 1
through 29 is a correct transcript of the proceedings had in
connection with the above-entitled matter.

DATED at Honolulu, Hawaii, Decemnber 3, 2004.


CYNTHIA TANDO FAZIO, RMR, CRR